

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RICO ISAIH HAIRSTON,

Plaintiff,

vs.

Case No.: 2:18-cv-952
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers

MR. DAILY, *et al.*,

Defendants.

ORDER

On November 5, 2018, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the Plaintiff's Motion to proceed *in forma pauperis* be denied pursuant to the "3 strikes provision," that Plaintiff has previously filed 3 cases that were dismissed for failure to state a claim upon which relief can be granted. Further, it was recommended that if Plaintiff intends to pursue this action, he must pay the full \$400.00 filing fee within thirty days. (*See Report and Recommendation*, Doc. 8). The parties were advised of their right to object to the *Report and Recommendation* and of the consequences of their failure to do so. There has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED** and **AFFIRMED**. Plaintiff's Motion to Proceed *In Forma Pauperis* is hereby **DENIED**. Plaintiff must pay the entire \$400 filing fee within thirty (30) days of this Order. If Plaintiff fails to do so, this case will be dismissed.

Further, any appeal of this Order would not be taken in good faith and therefore Plaintiff's request for leave to appeal *in forma pauperis* would be denied.

The Clerk shall remove Documents 1 and 8 from the Court's pending motions list.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT